



# **Department of Justice**

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**STATEMENT**

**OF**

**W. LARRY FORD**

**ASSISTANT DIRECTOR**

**PUBLIC AND GOVERNMENTAL AFFAIRS**

**BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES**

**UNITED STATES DEPARTMENT OF JUSTICE**

**BEFORE THE**

**HOUSE ENERGY AND COMMERCE COMMITTEE'S  
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
U.S. HOUSE OF REPRESENTATIVES**

**CONCERNING**

**"INTERNET DATA BROKERS AND PRETEXTING:  
WHO HAS ACCESS TO YOUR PRIVATE RECORDS?"**

**PRESENTED ON**

**JUNE 22, 2006**

**STATEMENT OF  
W. LARRY FORD  
ASSISTANT DIRECTOR, PUBLIC AND GOVERNMENTAL AFFAIRS  
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES**

**BEFORE THE HOUSE ENERGY AND COMMERCE COMMITTEE'S  
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS**

**JUNE 22, 2006**

Good afternoon Chairman Whitfield, Ranking Member Stupak, and distinguished members of the Subcommittee. I am pleased to appear before you today to discuss the Bureau of Alcohol, Tobacco, Firearms and Explosives' (ATF) policy on the use of Internet data brokers.

In late 2005, the availability of personal information from a multitude of Internet-based sources came to the attention of several ATF offices in various ways. This information included services advertising the sale of individuals' cell phone records, including the telephone numbers a particular cell phone has connected to, the duration of calls, as well as other personal subscriber information. ATF Headquarters received a number of inquiries from our field personnel pertaining to the applicability and legitimacy of such services. As a result, we issued a notice to all ATF personnel on January 25<sup>th</sup>, 2006, providing guidance on the issue.

Of paramount concern was the problem data broker services could present to law enforcement undercover operations and officer safety. As we noted in our broadcast announcement to ATF employees, "In undercover operations, criminals themselves may likely be checking undercover agents' cell phone records to determine whether [the agents] are who they claim to be, and tracing an ATF cell phone to a government purchase presents a serious hazard to agents in these circumstances." In addition, Mr. Chairman, tracing contacts to other

phones could compromise an investigation and endanger agents and witnesses.

There is also the question of the appropriateness of a law enforcement agency using data brokers to obtain subscriber information. During our review we noted that there were ongoing concerns by telephone companies regarding methods used by some within the Internet data broker community to collect the data they maintained and disseminated. The notice we sent to all ATF personnel in January reminded agents that, “As law enforcement officers, we have the ability to subpoena these records,” and it instructed them to “continue to utilize this approach.” Mr. Chairman, we have no indication that ATF has ever requested toll record information from data brokers.

ATF is committed to preserving the integrity of our operations and the safety of our agents and to using the best practices and appropriate tools when conducting investigations. The rapidly evolving world of information technology will continue to present law enforcement with new issues and situations that require careful consideration. We will closely examine each and apply our high standards and principles when providing guidance to our agents. Moreover, the Department has created a Privacy and Civil Liberties Board to ensure that Departmental programs and efforts adequately consider civil liberties and privacy. The Data Committee of the Privacy and Civil Liberties Board, on which ATF is represented, was established earlier this year to address issues related to information privacy within the Department. Its first task is to respond to recommendations in the April 2006 GAO report entitled “Personal Information Agency and Reseller Adherence to Key Privacy Principles.” The Data Committee members are analyzing the Department’s use of all information reseller data, including internet data brokers, and will evaluate potential Department-wide policy with regard to such use. Specifically, all

members of the committee are currently assessing their agencies' use of information reseller data, including the Internet data brokers identified by the Subcommittee as employing pretexting and fraud to obtain information. While the inquiry is ongoing, to this point, there is no evidence of widespread use of such services. The Data Committee meets on a monthly basis and expects to make recommendations to the Attorney General on this issue upon completion of its review.

We also welcome and appreciate any information or views the Subcommittee would like to share on the matter.

Once again, Mr. Chairman, Congressman Stupak, members of the Subcommittee, on behalf of ATF, I thank you for the opportunity to testify before you today. I look forward to answering any questions you might have.

